

## II. REMARKS

Claims 68 to 85 have been renumbered as claims 86 to 103. Previously submitted method claims 50 to 67 have been renumbered as claims 68 to 85. Claims 68 to 85 and 95 to 103 are withdrawn from consideration pursuant to 37 C.F.R. § 1.142(b) as being drawn to a non-elected group or species. Amended claims 86 to 94 are currently under consideration.

Independent claim 86 has been amended to further define that the polymer is a "physiologically compatible polymer comprised of at least one synthetic polymer" to distinguish it from naturally occurring cornea tissue removed from animals and transplanted into the eye. The polymers of the subject invention contain at least one non-naturally occurring polymer, and which may include synthetic counterparts to naturally occurring polymers. Support for this amendment is found on page 4, lines 1 to 7. An issue of new matter is not raised by this amendment and entry thereof is respectfully requested. The dependent claims have been amended to correct dependencies resulting from the renumbering of the claims.

The amendments have not been made earlier as it was Applicants' belief that the claims as previously presented provided this distinguishing feature. The amendments are made in a sincere effort to overcome the grounds for rejection and place the claims in condition for allowance, or in better form for consideration on appeal.

The specification has been amended to correct grammatical and typographical errors.

In view of the preceding amendments and the remarks that follow, reconsideration and withdrawal of the rejections of the claims is respectfully requested.

### Objections to the Specification

The Office objected to the disclosure on page 19, line 23, "my" was requested to be replaced by --may-- and the word "are" was requested to be deleted from page 25, line 16. The Office also noted that on page 36, line 16, the word "Preferably" is misspelled. The Office required correction.

In accordance with the Office's suggestion, the specification has been reviewed for typographical and grammatical errors. Correction of errors have been noted, above,

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Accordingly, removal and reconsideration of the objections to the specification is respectfully requested.

### 35 U.S.C. § 112, Second Paragraph

Claims 86-94 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Office remarked that in claim 86, the term "centroidal axis" lacks antecedent basis.

Applicants respectfully traverse. The use of the word "the centroidal axis" is not intended to refer to the term earlier presented, but is rather utilized to establish that this is the one and only centroidal axis of the claim.<sup>1</sup> If Applicants were to use the term "a" this would imply that there is one or more centroidal axis which would clarify the meaning of the claim. For this reason, reconsideration and withdrawal of the rejections of the claims is respectfully requested.

### 35 U.S.C. § 102 (b)/§ 103

Claims 86, 87, 90 and 94 stand rejected under 35 U.S.C. § 102 (b) as allegedly anticipated by Herrick, U.S. Patent No. 4,781,187. Claims 86, 87, 91 to 93 were rejected under 35 U.S.C. § 103(a) as obvious over Herrick U.S. Patent No. 4,781,187. Claims 86, 87, 90 to 92 and 94 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gonchar et al. Claims 86, 87, 90 and 94 stand rejected as anticipated by Civerchia, U.S. Patent No. 5,213,720. Claims 88, 89, and 91 to 93 stand rejected under 35 U.S.C. § 103(a) as allegedly obvious over Civerchia, U.S. Patent No. 5,213,720.

The Office essentially maintained the rejections for the reasons of record. Applicants' prior remarks were not deemed to be persuasive because the claims as previously presented did not distinguish over use of the natural cornea. Applicants have amended the claims herein to

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<sup>1</sup> "1. a. Used before singular or plural nouns and noun phrases that denote particular, specified persons or things...." The American Heritage College Dictionary, 3<sup>rd</sup> Ed., Houghton Mifflin Company, Boston, New York (1993) at page 1405.

not distinguish over use of the natural cornea. Applicants have amended the claims herein to more clearly point out and distinctly claim the invention. In view of the amendments to the claims, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 102 and 35 U.S.C. § 103.

With respect to Civerchia, Applicants respond that the embodiments of Figures 14 and 17 relate to a complete lens (e.g., a contact lens) which covers the total anterior surface of the papillary zone of an eye. It does not teach or suggest the inserts of the subject invention. Reconsideration and removal of the rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103 is respectfully requested.

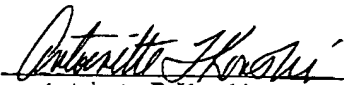
### III. CONCLUSION

If a telephone interview would advance prosecution of the subject application, the Examiner is invited to telephone the undersigned at the number provided below. In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2518** referencing billing reference 23915-7316. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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